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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-fifth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 19th MEETING

Held at the Palais Wilson, Geneva,
on 4 May 2001, at 10 a.m.

Chairperson: Mrs. BONOAN-DANDAN

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* The summary record of the second part (closed) of the meeting appears as document E/C.12/2001/SR.19/Add.1.

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Review of the implementation of the Covenant in non-reporting States: Togo (HRI/CORE/1/Add.38/Rev.1)

1. The CHAIRPERSON invited Mr. Riedel to introduce the draft preliminary concluding observations on Togo.

2. Mr. RIEDEL (Country Rapporteur) recalled that Togo, having been a party to the Covenant since 1984, had still not submitted its initial report, thereby failing to meet its obligations under articles 16 and 17 of the Covenant despite numerous reminders. The Committee had therefore reluctantly decided to follow the non-reporting procedure. The State party must surely realize that in the absence of a report, or of the opportunity of a dialogue, the Committee would have to rely exclusively on other sources of information and Togo would be denied the opportunity to set the record straight where it deemed necessary.

3. In line with a policy adopted by the Committee at its twenty-third session, the concluding observations should be confined to an assessment of the deliberations of the Committee with respect to the current status of economic, social and cultural rights in Togo. The concluding observations should be brief and preliminary in nature pending a full response by the Committee, a point that should be made clear in order to deter other States parties from not appearing.

4. The Committee recognized that implementation of all human rights in Togo had been severely hampered by political unrest and persisting economic crisis. Although the allegations of torture, rape, disappearances and killings reported by the joint United Nations/Organization for African Unity (OAU) international commission of inquiry on Togo were not, strictly speaking, within the purview of the Covenant, they certainly had far-reaching implications for economic, social and cultural rights. Against that background, the positive aspects were few: a technical cooperation project to strengthen the rule of law; efforts to prevent trafficking in children and female genital mutilation; and awareness campaigns and workshops.

5. The principal subjects of concern, on the other hand, were many: the general deterioration in the human rights situation; the status of women; the routine occurrence of ethnicity-based discrimination by all ethnic groups, often leading to outbreaks of inter-ethnic violence; trafficking in women and children; low quality of health services and a serious lack of qualified personnel in the public health sector as well as an alarming rise in the incidence of HIV/AIDS.

6. As to the suggestions and recommendations, the Committee should reiterate its request that the Government of Togo actively participate in a constructive dialogue with the Committee, recommend that the Government of Togo avail itself of the advisory services of the Office of the United Nations High Commissioner for Human Rights; encourage the latter to make expert

assistance available to Togo, suggest that the Government address discrimination and adopt appropriate legislative and administrative measures, urge the Government to take action to improve the health situation in the country, and invite Togo to participate in a dialogue at a future session of the Committee with representatives of the interested specialized agencies. In a final paragraph, the Committee should emphasize that the suggestions and recommendations depended for their success upon Togo's renewed commitment to fulfilling its reporting and other international legal obligations under the Covenant.

7. All the available information suggested that the situation in Togo required immediate attention. The Committee should adopt the concluding observations and publish them in its annual report, not least as a signal to other States parties which had not yet submitted their initial reports.

8. The CHAIRPERSON thanked Mr. Riedel for his excellent draft and invited members of the Committee to comment.

9. Mr. GRISSA agreed with Mr. Riedel's assessment, but urged the Committee to take into consideration the enormous economic and administrative problems facing Togo, which as one of the poorest countries in the world suffered from poor communications and infrastructure, lacked economic resources with which to tackle its problems, and had limited economic relations with the rest of the world. He was afraid that by making recommendations and suggestions the Committee would be flogging a dead horse.

10. Mr. RATTRAY, also acutely aware of the problems faced by countries like Togo, supported the recommendation that Togo should avail itself of the advisory services of the Office of the United Nations High Commissioner for Human Rights (OHCHR). The core document for Togo mentioned other positive developments, in education and the infrastructure as well as the establishment of a National Human Rights Commission and a Ministry of Human Rights. Surely the Committee should emphasize those points so as to encourage the strengthening of such institutions and giving them a sense of direction.

11. He took issue with the statement in paragraph 10 of the draft concluding observations that "the March 1999 elections ... were said to be marred by procedural problems and significant fraud". The Committee would put its credibility at risk by basing its statements on mere assertions. The sentence should be deleted.

12. Mr. SADI doubted whether the concluding observations of the Committee would elicit any response from a country which had not even fulfilled its basic obligation under the Covenant. Counselling pragmatism, he said the aim of the Committee should be to enlighten and to help the State party understand its obligations better.

13. Mr. TEXIER was in favour of leaving paragraph 10 of the draft concluding observations unchanged. Togo's main misfortune was its President, who continued to head a dictatorship under which all human rights were violated and the people had no voice. Unfortunately the regime had the support of certain Western countries, including his own. It was no coincidence that not a single Togolese non-governmental organization (NGO) was represented in the room and no parallel reports from NGOs were available; opponents of the regime had been either

murdered, exiled or jailed. The Committee could not pretend it did not know what was going on in Togo, and they should speak out. Paragraph 10 was particularly important in the light of the deterioration in the human rights situation. That type of situation filled him with despair because the people were always the main victims. The Committee and the United Nations specialized agencies must help, but it was difficult to know how as long as the current regime remained in place. Africa as a whole was gradually moving towards democracy, the precondition for the realization of human rights, but the situation in Togo was a caricature of democracy. As a general principle, he was in favour of the substance of the draft observations, but he emphasized the need for the Committee to consider how help could be given to that country.

14. Mr. WIMER-ZAMBRANO shared Mr. Texier's assessment of the regime in Togo as well as his feelings of helplessness and despair. There was little the Committee could do, especially as its mandate did not extend to political affairs. He favoured a middle way consisting of a candid statement of the Committee's perception of the situation in Togo in respect of economic, social and cultural rights and a general statement of what should be done to rectify it, but no more than that. The Committee's approach to Togo could serve as a model for its treatment of countries in a similar situation. Commending Mr. Riedel on the draft concluding observations, he suggested that the action taken in the sphere of education should be mentioned.

15. Mr. AHMED pointed out that the United Nations/OAU joint commission of inquiry, in its final report, had concluded that there had been systematic violations of human rights in Togo in 1998, but it could neither confirm nor refute allegations of genocide, and they should therefore not be included in the Committee's concluding observations.

16. As the Government of Togo was currently preoccupied by the run-up to presidential and parliamentary elections in October 2001, he suggested that the Committee should wait until after that date to make its recommendations.

17. The Prime Minister, Mr. Kodjo, had stated that economic reform was necessary in order to relaunch the economy. Mr. Kodjo had himself been Secretary-General of OAU for eight years and it might therefore be possible to use the OAU machinery to contact the Togo authorities with regard to restructuring after the elections. The Committee should give some thought to what kind of help should be given to Togo and by whom. Both OHCHR and OAU should be involved, but also the European Union, since it had provided economic aid to Togo until 1993, when it had suspended aid because of the human rights violations, and it had welcomed the promise of elections as a "first step".

18. Mr. CEAUSU said it was not certain that the promised elections would be held. Even if they were, there would be a further delay while a new Government was formed and took office. It would be better to adopt the concluding observations at the current session, so that the new Government could be apprised of the Committee's recommendations and start work promptly on improving the situation.

19. Mr. MARCHÁN-ROMERO said that the Committee had taken a decision at its seventh session on how to deal with countries that failed to submit a report. There was nothing new or extraordinary about the procedure and the Committee was dealing quite normally with Togo on

the basis of the information made available to it by various sources such as NGOs. He agreed with Mr. Ceausu's suggestion. The Committee needed to send a signal to the State party, not to a Government, and the possibility or otherwise of elections in Togo had no bearing on its work.

20. Mr. RIEDEL (Country Rapporteur) thanked Committee members for their comments and paid tribute to the work of the Secretariat in preparing the draft observations. On the question of including a reference to the Human Rights Commission established in Togo in 1996, he said that for the Committee to praise Togo for establishing it might look like a contradiction of the United Nations/OAU commission of inquiry's report, which mentioned gross violations of human rights that had occurred since the Human Rights Commission had been established.

21. It was important, as Mr. Ahmed had said, for the Committee to keep to its terms of reference. The commission of inquiry seemed to have established that mass killings and gross violations of human rights had in fact occurred. The only uncertainty related to the precise numbers of victims. He suggested that a few words in the concluding observations would suffice, without going into too much detail.

The public part of the meeting rose at 11.10 a.m.